

**R430. Health, Health Systems Improvement, Child Care Licensing.**

**R430-100. Child Care Center.**

**R430-100-1. Legal Authority.**

This rule is promulgated pursuant to Title 26, Chapter 39.

**R430-100-2. Purpose.**

The purpose of this rule is to establish standards for the operation and maintenance of a child care center. This rule provides minimum requirements to ensure health and safety for children in child care centers.

**R430-100-3. Definitions.**

(1) "Accessible" means records are available for Department review within 10 days.

(2) "Direct supervision" means that the care giver can see and hear the children under age six, and is near enough to intervene when needed. Care givers must be able to hear school-age children and be near enough to intervene.

(3) "Conditional enrollment" means that a child is admitted to a child care program and has received at least one dose of each required vaccine prior to enrollment and is on a schedule for subsequent vaccinations.

(4) "Group" means a number of children assigned to one or two care givers, occupying an individual classroom or an area segregated by furniture or other structure within a large room.

(5) "Immediately Accessible Records" means information contained within the client children's and staff members files, currently enrolled or employed, which shall be made available for Department review on-site or within a 24 hour period.

(6) "Infant" means any child 12 months of age and younger.

(7) "Toddler" means a child 13 to 24 months.

**R430-100-4. License Required.**

A person who provides child care in a place other than the person's home for five or more children for less than 24 hours per day, having a regularly scheduled, ongoing enrollment, for direct or indirect compensation must be licensed as a child care center program.

**R430-100-5. General Variance Provisions.**

(1) The Department may grant a variance to an individual rule when:

(a) A requirement does not apply to the center program; or

(b) The center program can satisfy the intent of the rule by other methods.

(2) The owner or director shall request a variance to a rule on a form provided by the Department. The request shall include:

- (a) A justification for the requested variance; and
- (b) An explanation of how the center program will satisfy the intent of the rule.
- (3) The Department may not grant a variance to the rule:
  - (a) If the requirement is established by Title 26, Chapter 39; or other statute; or
  - (b) Unless the health, safety and well being of the children are ensured.
- (4) The granting of a variance to a rule does not set a precedent, and the Department shall evaluate each request on its own merits.
- (5) The time period for granting a variance shall be specified in the letter from the Department and shall be kept on site by the licensee.

**R430-100-6. Administration and Organization.**

- (1) The licensee shall exercise supervision over the affairs of the facility and establish policies to comply with this rule.
- (2) Duties and responsibilities of the licensee include the following:
  - (a) Compliance with federal, state, and local laws and for the overall organization, management, operation, and control of the facility;
  - (b) Establishment of written policies and procedures for the health and safety of children in the facility shall be available for review by parents and staff. The Department shall provide templates for all required policies and procedures and if the licensee elects to use the approved templates the rule is considered met. The policies and procedures shall address at least each of the following areas:
    - (i) training and education levels of care giver positions;
    - (ii) exclusion of care givers and children with infectious and communicable diseases;
    - (iii) supervision and protection of children when they are sleeping, using the bathroom, in a special mixed group activity, on the playground, and during off-site activities;
    - (iv) releasing children to authorized individuals;
    - (v) administration and storage of medications;
    - (vi) discipline of children;
    - (vii) transportation to and from school and to and from off-site activities;
    - (viii) emergency and disaster plans;
    - (ix) the use and presence of tobacco, alcohol, illegal substances and sexually explicit material; and
    - (x) hand washing
    - (xi) firearms; and
    - (xii) food service.

(c) Appoint, in writing, a qualified director who shall assume responsibility for the day-to-day operation and management of the facility.

(d) Keep the Department informed of the current center phone number.

(3) The director or designee of a child care center shall have sufficient freedom from other responsibilities to manage the facility and shall be on the premises during operating hours.

(4) The director of the child care center shall have the following qualifications:

(a) Be at least 21 years of age;

(b) Have knowledge of applicable laws and rules; and

(c) Except for directors of child care centers who are listed as director on a child care license before January 1, 1998, the child care center director must have a high school diploma or GED equivalent and one of the following:

(i) A bachelor's or associate's degree in Early Childhood or Child Development, or a bachelor's degree in a related field and proof of passing four higher education courses in child development; or

(ii) A national or state certification such as a Certified Childcare Professional (CCP), National Administrator Credential, Child Development Associate (CDA), or other credential that the licensee demonstrates to the Department as equivalent.

(5) Duties and responsibilities of the director, or the owner if the duties and responsibilities have not been delegated to the director, include the following:

(a) Designate, in writing, a competent care giver who is at least 21 years of age to act as director in his temporary absence;

(b) Recruit, employ, and train staff to meet the needs of the children;

(c) On the day of discovery, notify the local health department of any reportable communicable diseases among children or care givers, and any sudden or extraordinary occurrence of serious or unusual illness in accordance with Section R386-702-2; and

(d) Conduct regular inspections of the facility to ensure it is safe from potential hazards to children.

(6) The director, or the owner if the duties and responsibilities have not been delegated to the director, shall establish and enforce policies to ensure that the following are prohibited anywhere on the premises during the hours of operation:

(a) the use of tobacco;

(b) the use of alcohol;

(c) the use or possession of illegal substances; and

(d) the use or possession of sexually explicit material.

**R430-100-7. Personnel.**

(1) The director shall ensure that adequate direct supervision is maintained whenever the center is operating. The care giver-to-child ratios established in R430-100-9 are minimum requirements only. The director shall ensure that policies exist to adjust these ratios when the age and the number of children require additional care givers to maintain adequate levels of supervision and care.

(2) The director shall train all care givers to be able to service the needs of the children in their care, and organize staff efforts to achieve that end.

(3) All care givers who provide direct services in a child care center shall be at least 18 years of age or have completed high school or a GED. In addition to the required staff ratios, child care services may be provided by an individual who is 16 years old, if he works under the direct supervision of a care giver at least 18 years old, who has completed 20 hours of in-service training and meets all licensing requirements.

(a) All care givers shall have access to and have read and documented their understanding of the facility's policies and procedures;

(b) Each new care giver shall receive orientation training prior to being left unsupervised with children. Training shall be documented to show topic, date of completion, and the first date of working unsupervised with the children. Training shall cover the following topics:

(i) Job description;

(ii) Introduction and orientation to the children, which includes special conditions, e.g., allergies and medical conditions;

(iii) Procedures for releasing children to parents or guardians;

(iv) Center policies and procedures;

(v) Reporting requirements for witnessing or suspicion of abuse, neglect and exploitation, according to Section 62A-4a-403(1) and 62A-4a-411 and how to make necessary reports; and

(vi) Department Informational Guide to Parents which identifies the areas inspected annually and a contact telephone number for parents to report concerns.

(4) Each director shall ensure that all care givers are screened for tuberculosis by the Mantoux tuberculin skin test method within 30 days of assuming care giver responsibilities.

(a) If the Mantoux test is positive, the care giver will provide documentation of a negative chest radiograph.

(b) Tuberculin skin testing does not need to be repeated during the employment period unless the employee develops signs

and symptoms of the disease, as determined by a health care professional.

(5) All care givers shall receive a minimum of 20 hours of documented in-service training annually. At least 10 hours of the in-service training shall be in person. The training shall include the following:

- (a) Principles of good nutrition;
- (b) Proper hand washing, OSHA requirements and sanitation techniques;
- (c) Proper procedures in administration of medications;
- (d) Recognizing early signs of illness and determining when there is a need for exclusion from the facility;
- (e) Accident prevention and safety principles;
- (f) Reporting requirements for communicable and infectious diseases;
- (g) Reporting requirements for abuse, neglect and exploitation according to Section 62A-4a-403(1) and 62A-4a-411; and

(h) Positive guidance for the management of children.

(6) If the center provides infant care, the following in-service training is required as part of the required in-service hours:

- (a) Preventing Shaken Baby Syndrome;
- (b) Preventing Sudden Infant Death Syndrome;
- (c) Coping with crying babies; and
- (d) Development of the brain.

#### **R430-100-8. Records.**

(1) Records shall be appropriately stored and protected against access by unauthorized individuals.

(a) Care givers shall not disclose or discuss personal information regarding children and their relatives with any unauthorized person.

(b) Confidential information shall only be seen and discussed with care givers who need the information to provide services.

(c) The director shall obtain written permission from parents or legal guardians before sharing information except as provided in paragraph a and b above.

(2) The licensee and director shall maintain the following written records and the records shall be immediately accessible except for those records designated to be on-site,

- (a) Policies and procedures shall be on-site;
- (b) Records for each enrolled child shall be available on-site and include the following:
  - (i) Utah School Immunization record;
  - (ii) Transportation and medical treatment releases;
  - (iii) An admission agreement that includes the child's

name, date of birth; date of enrollment; the parent or guardian's name, address and phone number; the name, address, and phone number of a person to be notified in the event of an emergency when the parent or guardian cannot be located; and the names of people authorized to pick up the child; and

(iv) Current medication administration release form.

(c) Records for each enrolled child which shall be available within 24 hours include the following:

(i) A six week child attendance record;

(ii) A six week record of injuries, incident and accident reports; and

(iii) A six week record of medications administered.

(d) Personnel records for each currently employed care giver and staff, which shall be available on-site include:

(i) Employment application with emergency contact information; and

(ii) Food Handler's permit for care givers who prepare or serve meals or snacks, obtained within 30 days of hire.

(e) Personnel records for each currently employed care giver and staff which shall be available within 24 hours shall include the following:

(i) Date of employment;

(ii) Initial health evaluation form;

(iii) Criminal Background Screening initial clearance form or the waiver for annual renewal;

(iv) A six week record of hours worked for current care givers and staff;

(v) Results of TB screening, obtained within 30 days of hire;

(vi) Documented in-service training hours;

(vii) Documentation of orientation training completion; and

(viii) First Aid and CPR course completion.

(f) All variance requests granted by the Department;

(g) A log of the results of the past 12 months fire and disaster drills shall be on-site;

(h) A current Local Health Department Inspection shall be on-site;

(i) A current Local fire inspection shall be on-site; and

(j) Required current animal vaccination records shall be on-site.

(3) The following records shall be accessible for Department review:

(a) Personnel files of terminated employees;

(b) Records for disenrolled children; and

(c) Director qualifications.

(4) Custodial parents and legal guardians shall have access to the records on their own children.

(5) Closed records of employees and disenrolled children

shall be retained for one year.

**R430-100-9. Care Giver to Child Ratio.**

(1) The licensee must maintain minimum care giver to child ratios as provided in Tables 1 and 2.

TABLE 1			
Minimum Care Giver to Child Ratios			
Staff	Number of Children	Group Size	Ages
1	4	8	0 to 12 months
1	4	8	13 to 24 months
1	7	14	2 year old
1	12	24	3 year old
1	15	30	4 year old
1	20	35	5 years and over

(2) There shall be at least two care givers at the center at all times when there are more than six children present or more than two infants present;

(3) Centers may maintain mixed age groups, and shall comply with Table 2 requirements and the following ratio requirements:

(a) Ratios and group size for mixed age groups shall be determined by averaging the ratios of the ages represented in the group;

(b) The ratio for the youngest children shall be utilized if more than half of the group is composed of children in the youngest age group.

TABLE 2		
Minimum Care Giver to Child Ratios - Mixed Age Groups		
Ages	Ratio	Group Size
Two Ages Mixed		
Infant and Toddlers	1:4	8
Toddlers and two year olds	1:5	10
Two and three year olds	1:9	18
Three and four year olds	1:14	25
Four years and older	1:18	25
Three Ages Mixed		
Toddlers, two and three year olds	1:7	14
Two, three and four year olds	1:11	22
Three, four and school age	1:16	25
Four Ages Mixed		
Toddlers, two, three and four year olds	1:9	18
Two, three, four and school age	1:13	25

(4) During nap time the child ratio may double for not more

than two hours for children 24 months and older, if the children are in a restful or non-activity state and, if a means of communication is maintained with another care giver who is also on-site.

(5) A child of an employee or owner age four or older will not be counted for determining care giver to child ratios.

(6) If child to care giver ratios are maintained an exception is granted to group size requirements when a center program has a planned activity and during transition times not to exceed two hours daily.

(7) A variance may be requested as required by R430-100-5 for programs who were licensed prior to July 1997.

#### **R430-100-10. Child Health.**

(1) Children admitted to the center shall have immunizations as required by the Utah School Immunization Law, Utah Code Section 53A-11-301. The director may not admit a child without proof of immunization, or evidence of conditional enrollment, or evidence of a personal, medical or religious exemption.

(a) The director shall have a current Utah School Immunization Record (USIR -Pink card) on file for each child.

(b) The director shall submit the Child Care Facilities Annual Summary Report to the Department of Health Immunization Program by November 30 of each year.

(2) The care givers shall not care for ill children except when the child shows signs of illness after arrival.

(a) The director shall ensure that children who develop signs of illness at the center are kept separate from other children.

(b) The director shall contact the parents of ill children and request that they be removed immediately from the center.

(c) The director shall inform parents in writing of communicable illnesses or parasites that are discovered at the center the same day the illness or parasite is discovered.

(d) The care giver shall convey information of illnesses in a manner that protects the confidentiality of care givers and children.

(3) The director shall require the parent or guardian to complete and sign a health assessment for each child in care. This form must be obtained upon enrollment of the child and be reviewed with the parent or guardian annually. The annual review shall be signed or initialed on the day of the review. The Health Assessment shall include the following:

- (a) allergies and food sensitivities;
- (b) chronic illnesses;
- (c) medical conditions;
- (d) disabilities;



- (e) date of last physical examination;
- (f) instructions for routine daily care;
- (g) current medications; and
- (h) instructions for emergency care.

**R430-100-11. Parent Notification/Child Security.**

(1) The Director shall distribute to parents and post a copy of the Department Informational Guide for Parents.

(2) The center shall be open to parents and guardians of enrolled children at all times during business hours.

(3) The director shall establish a procedure for ensuring that each child's attendance is accounted for which shall include:

(a) Persons bringing or picking up a child who is not school aged shall sign the child in and out of the center,

(i) The time of day shall be recorded on the sign-in and sign-out form, and

(ii) Personal identifiers, such as a signature, initials or electronic identification may be used to sign in and out.

(b) Care givers may sign-in and sign-out a child who is school-aged.

(4) Only parents or persons with written authorization from parents shall be allowed to take any child from the center, except that verbal authorization may be used in emergency situations, if the identity of the person giving verbal authorization can be confirmed.

(5) The director or owner shall review reports of every injury, incident, and accident to a child and document the corrective action taken. The report shall be signed by the director, care giver involved, and the parent of the child.

(6) In the case of a life threatening injury to a child, the director shall contact emergency personnel before contacting the parents or legal guardians. If the parents or legal guardians cannot be reached, the director shall then attempt to contact the child's emergency contact person.

(7) The director shall call the Department within 24 hours to report any fatality, hospitalization or emergency medical response unless the emergency medical transport was part of a child's medical treatment plan identified by the parents and licensee. A written report shall be mailed or faxed to the Department within five days of the incident.

**R430-100-12. Activities.**

(1) The director and care givers shall develop and follow a daily activity plan that is designed for the age, health, safety and welfare of the children. No activity plan is required for infant or toddler groups. The toys and equipment needed to carry out the plan shall be present.

(2) The activity plan shall be posted for parent and care giver review.

(3) There shall be areas for indoor play.

(a) Indoor play areas shall have at least 35 square feet per child of usable play space for each child utilizing the play area at any specific time. The space requirement includes licensee and care giver children who are not counted in the ratios.

(b) Bathrooms, closets, lockers, staff desks, stationary storage units, hallways, corridors, alcoves, vestibules, kitchens or offices may not be included in calculating indoor play space.

(i) Play space does not include areas which are designated as a napping room

(ii) Centers licensed prior to the effective date of the rule change 2001, may request a permanent variance to this rule as required by R430-100-5. The exception or variance will be assumable if a change of ownership occurs and the license is not interrupted.

(c) All indoor playground equipment, for example slides and climbers, shall be surrounded by cushioning materials, such as mats, in a six foot fall zone. The cushioning material shall meet the standards of the American Society for Testing and Materials (ASTM), current edition for all equipment over three feet.

(d) If children between the ages of three and six have access to indoor play equipment then the maximum height of any piece of indoor playground equipment shall not exceed five and one-half feet. If children under age three have access to indoor play equipment, then the maximum height of the equipment may not exceed three feet.

(4) Daily activities shall include outdoor play if weather permits.

(5) Outdoor play areas shall:

(a) have at least 40 square feet for each child to accommodate at least 33 percent of the licensed capacity at one time;

(b) be directly adjacent to the building;

(c) be enclosed with a four foot high fence, or have a natural barrier that provides protection from unsafe areas including water hazards;

(i) gaps in the fence shall not be more than three and one half inches.

(ii) the bottom edge of the fence shall not be more than three and one-half inches above the ground.

(d) be free of animal excrement and harmful objects such as trash, broken toys and equipment with rusty or sharp edges, glass, tools and standing water;

(e) have a shaded area to protect children from excessive sun and heat; and

(f) have a source of drinking water in the play area during play time when the outside air temperature is 75 degrees or higher.

(6) Outdoor play equipment shall:

(a) be surrounded by a resilient surface of loose cushioning consistent with the guidelines of the Consumer Product Safety Commission and standards of ASTM; and

(b) have a six foot fall zone surrounding all playground equipment. For facilities licensed prior to July 1997, a variance may be requested to allow time for the licensee to replace or remodel the equipment as required by R430-100-5.

(7) Any particulate cushioning material, such as sand or gravel, within the fall zone of playground equipment shall be checked for packing due to rain or snow, and if compressed, weather permitting, shall be loosened to a depth of nine inches.

If the cushioning material cannot be loosened, children shall not play on the equipment.

(8) If off-site activities are offered, care giver ratios must be maintained and:

(a) at least one of the care givers shall have a current first aid and CPR course completion;

(b) written parental consent shall be obtained for each type of activity in advance;

(c) the director shall notify the parents of any schedule changes;

(d) care givers shall take with them the emergency numbers and emergency treatment releases for each of the children in the group;

(e) children shall wear or carry with them the name and phone number of the center;

(f) children's names shall not be used on name tags;

(g) care givers shall provide a way for children to wash hands.

(9) If swimming activities are scheduled, care givers shall remain with the children during the activity. Lifeguards and pool personnel may not be counted towards care giver to child ratios.

#### **R430-100-13. Medications.**

(1) If medications are given, medications shall be administered to children only by a trained, designated care giver. A care giver who administers medication shall be trained to:

(a) check the label and confirm the name of the child,

(b) read the directions regarding measured doses, frequency, expiration date, and other administration guidelines,

and

(c) properly document administration of medication records according to Subsection R430-100-13(3).

(2) The parent or guardian must complete a medication release form for each child receiving medications at the center that contains:

- (a) the name of the medication;
- (b) the dosage;
- (c) the route of administration;
- (d) the times and dates to be administered;
- (e) the illness or condition being treated; and
- (f) the parent or guardian signature.

(3) Medication records shall be maintained that include:

- (a) The times, dates, and dosages of the medications given;
- (b) The signature or initials of the care giver who administered the medication; and

(c) Documentation of any errors in administration or adverse reactions.

(4) The center director or designee shall report any adverse reaction to a medication or error in administration to the parent or legal guardian immediately upon recognizing the error or reaction.

(5) Medications shall be secured from access to children.

(6) The oral over-the counter and all prescription medications must be in the original or pharmacy container, have the original label, include the child's name, have child proof caps and have written instructions for administration provided by the parents.

(7) Medications stored in refrigerators shall be in a covered container with a tight fitting lid.

(8) The director shall return unused prescription and over the counter medications to the parent or guardian. The director shall destroy out-of-date medications or return the medications to the parent or guardian.

#### **R430-100-14. Infection Control.**

(1) The director shall keep on-site and maintain a portable blood and bodily fluid clean-up kit. All care givers shall know the location and how to use the kit.

(a) The kit shall include: a portable container, disposable gloves, absorbent powder or clumping kitty litter, a plastic garbage bag, a miniature dustpan and hand broom, a paper towel and a small container of disinfectant.

(b) All care givers shall comply with the universal blood and bodily fluid precautions according to the OSHA Bodily Fluid Blood-Borne Pathogen standard.

(2) Personal hygiene items such as combs, hair accessories, and toothbrushes may not be shared between children.

(3) Indoor activity equipment, such as climbing structures and play houses, and toys shall be cleaned and sanitized weekly or more often as necessary. If some equipment is not cleanable the director or owner shall ensure children and care givers wash hands prior to using the equipment, card board puzzles, books, etc.

(4) Stuffed animals and dress-up clothes shall be machine washed weekly.

(5) If water play tables are used, the care giver shall wash and sanitize the table daily and children shall wash their hands prior to engaging in the activity.

(6) In child care centers, hand washing procedures shall be posted at all hand washing sinks and followed.

(7) Written hand washing policies shall be established to include:

(a) Care givers and children shall wash and scrub their hands for 20 seconds with liquid soap and warm running water. A variance to using liquid soap may be requested as required by R430-100-5.

(b) The use of hand sanitizers shall not replace hand washing, except during off-site activities.

(c) Care givers shall teach children proper hand washing techniques and oversee hand washing whenever possible.

(d) Care givers and children shall wash their hands after using the toilet, before and after eating, upon returning from outdoor playtime, after wiping noses, after handling animals and before and after food preparation.

(e) Only single use towels from a covered dispenser or electric hand-drying device may be used to dry hands.

#### **R430-100-15. Diapering.**

(1) Diapering procedures shall be posted by each diapering station and followed.

(2) Each diapering station shall be equipped with railings to prevent a child from falling. Children shall not be left unattended on the diapering surface.

(3) The diapering surface shall be non-absorbent, cleaned and sanitized after each diaper change.

(a) If a disposable paper covering is used, it shall be placed between the child and the diapering surface, and shall be disposed of following each diaper change.

(b) Sanitizers shall be used per product instruction or be commercially prepared. Sanitizer containers shall be labeled and stored in the diaper changing area, out of the reach of children.

(4) Soiled disposable diapers shall be placed in a container that is lined and has a tightly fitting lid.

(5) Diaper containers shall be cleaned and disinfected

daily.

(6) Care givers shall wash their hands directly after changing a diaper and in between diaper changes.

(7) If cloth diapers are used for children, the following applies:

(a) Cloth diapers shall not be rinsed at the center;

(b) After a diaper change, the cloth diaper shall be placed directly into a container labeled with the child's name or diapering service container.

(8) Care givers whose designated responsibility is the care of diapered children, shall not prepare food for children or staff outside of the classroom area used by infants and toddlers.

(9) Staff who prepare food in the kitchen shall not change diapers or assist in toilet training.

#### **R430-100-16. Safety.**

(1) Spaces, toys, grounds, and equipment shall be maintained in a safe manner to prevent injury to children.

(2) Toys and equipment used by children must be in compliance with the guidelines of the Consumer Product Safety Commission.

(3) There shall be no firearms or other weapons accessible to children. Firearms and other weapons shall be stored separately from ammunition and all shall be in a locked cabinet or area, unless the use is in accordance with UCA 53-5-701 Concealed Weapons Act, UCA 76-10-523 Persons Exempt from Weapons Laws or as otherwise authorized by law.

(4) Electrical outlets accessible to children four years of age or younger shall have protective caps or safety devices when not in use.

(5) Glass surfaces within 36 inches from the floor shall be of safety glass or have a protective barrier in place.

(6) Care givers and staff shall store toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable materials in a locked or protected area to prevent access to children. All toxic or hazardous chemicals shall be stored in the original container, or labeled in the container.

(7) The center may not have portable space heaters, Fireplaces and wood burning stoves that are accessible to children when in use.

(8) Children shall not have access to poisonous plants.

(9) Strings and cords long enough to choke a child, such as those found on pull toys, window blinds, or drapery cords, shall be inaccessible to children four years of age and younger.

(10) Any structure built prior to 1978 which has peeling, flaking, chalking, or failing paint on the interior or exterior shall be tested for lead-based paint. If paint lead levels are

equal to or exceed 0.06% by weight, the structure must be remodeled by encapsulation or enclosure when possible or by complete removal of lead-based paint by trained individuals.

(11) Hot water accessible to children shall not exceed the scalding standard of 120 degrees Fahrenheit.

#### **R430-100-17. Child Discipline.**

(1) The licensee shall inform all care givers, parents or guardians and children of conduct expected by setting clear and understandable rules.

(2) Disciplinary measures shall be implemented so as to encourage the child's self-control to reduce risk of injury and any adverse health effects to self or others. Positive discipline measures include but are not limited to:

- (a) positive behavioral rewards;
- (b) other forms of positive guidance;
- (c) redirection; or
- (d) time out.

(3) Discipline measures shall not include any of the following:

- (a) corporal punishment, including hitting, shaking, biting, pinching, or spanking;
- (b) restraint of a child's movement by binding or tying;
- (c) use of abusive, demeaning or profane language;
- (d) force or withholding of food, rest or toileting; or
- (e) confining a child in a locked closet, room, or similar area.

(4) The director shall provide each parent and legal guardian a copy of the discipline methods used at the center.

#### **R430-100-18. Food Service.**

(1) If food service is provided, the child care center's food service shall comply with the Utah Department of Health Food Service Sanitation Regulations, Rule R392-100, and with the local health department food service regulations.

(2) All food served in the center, including food brought in by parents or care givers, for service to other children, shall be commercially prepared.

(3) Food and drink brought in by parents for an individual child's use must be labeled with the child's full name and refrigerated if needed.

(4) All care givers who prepare or serve food and snacks must have a current food handlers permit approved for child care facilities by the local Health Department.

(5) Children's food shall be served on plates, napkins or other sanitary holders, which includes a high chair tray. Food shall not be placed on a bare table or eating surface.

(6) Facilities that provide food service shall meet the

following requirements:

(a) A different menu shall be planned for each day of the week;

(b) Menus may be cycled;

(c) The current week's menu shall be posted for review by parents and guardians and all substitutions shall be noted on the menu and retained for one week. If substitutions are made, the menu must meet the requirement of the United States Department of Agriculture (USDA) Child Care Food Program guidelines;

(d) Menus shall comply with the USDA Child and Adult Care Food Program guidelines. Centers may use Department standard approved menus. Menus shall be individually approved by the Department, or be approved by a registered dietitian. Dietitian approval shall be noted on the menu;

(e) The director shall post a list of children's food allergies and sensitivities in the food preparation area and communicate special needs to staff serving food to the children unless otherwise requested in writing by the parents.

(f) The care givers shall provide meals and snacks according to the center policy but at least once every three hours.

**R430-100-19. Animals.**

(1) Any animal on the premises shall be clean and in good health.

(2) Dogs, cats and other animals shall have current immunization records available at the center for all diseases transmissible to humans.

(3) Animals not confined in enclosures shall be hand held, under leash control, or under voice control.

(4) No dangerous or aggressive animals are allowed on center premises.

(5) Animals are not allowed in food preparation, storage or dining areas.

(6) Animal cages, equipment, and surrounding areas shall be clean and sanitary. Animal cages and equipment shall not be cleaned in food preparation, food storage or dining areas at any time. Children shall not assist with the cleaning of animals, animal cages, pens or animal equipment.

(7) The director shall inform the parent or guardian of all animals kept at the center.

(8) Children shall not be permitted to handle reptiles, including turtles and lizards.

**R430-100-20. Transportation.**

(1) Any vehicle used for transporting children shall have a current vehicle registration and safety inspection.



(2) The director shall maintain all vehicles used to transport children in a safe and clean condition.

(3) Each vehicle shall:

(a) Contain a first aid and a body fluid clean-up kit;

(b) Be able to maintain temperatures between 60-90 degrees Fahrenheit;

(c) Be equipped with individual, size-appropriate safety restraints such as car seats and seat belts, which are defined in the federal motor vehicle safety standards contained in the Code of Federal Regulations, Title 49, Section 571.213, for each child that are appropriate to the vehicle type and are installed and used in the manner prescribed by the manufacturer;

(d) Be enclosed; and

(e) Be locked during transport.

(4) One person accompanying children during transport shall have current CPR and first aid course completion.

(5) The child care center shall have written policies and procedures to address transportation of children to and from school that are distributed to parents or posted that include:

(a) How long the children will be unattended at each school before the vehicle arrives or after the vehicle leaves in the morning;

(b) What steps staff will take if children fail to meet the vehicle; and

(c) When and how parents will be notified of delays or problems with transportation to and from school.

(6) Smoking in vehicles is prohibited at all times that children are present.

(7) Any vehicle used for transporting children shall be driven by an adult who holds a current state driver's license that authorizes the driver to operate the type of vehicle driven.

(8) No child shall be permitted to remain unattended in the vehicle. Children shall remain seated while the vehicle is in motion. Keys shall be removed from the vehicle at all times when the driver is not in the driver's seat.

#### **R430-100-21. Housekeeping and Maintenance.**

(1) There shall be adequate housekeeping services to maintain a clean and sanitary environment in the center.

(2) Laundry shall be washed with soap and water and be thoroughly dried in a clothes dryer.

(3) Clean laundry shall be stored in a manner that protects it from contamination.

(4) The center shall take effective and safe measures to prevent, control and eliminate the presence of insects, rodents, and other vermin on the premises.

(5) Draperies, carpets, and furniture shall be maintained

in good repair.

(6) Cracks in plaster, peeling wallpaper or paint, damaged floor coverings, and missing tile shall be repaired promptly.

(7) Entrances, exits, steps, and outside walkways shall be maintained in a safe condition, free of ice, snow and other hazards.

#### **R430-100-22. Physical Environment.**

(1) All rooms and occupied areas in the facility shall have provisions for ventilation. Windows with screens may be used for ventilation when weather conditions permit, but mechanical ventilation shall be provided during periods of temperature extremes.

(2) The cooling system shall be capable of maintaining temperatures of 80 degrees Fahrenheit (F) in areas occupied by children.

(3) The heating system shall be capable of maintaining temperatures of 72 degrees F. in areas occupied by children.

(4) Adequate light intensity in all facilities shall be maintained by keeping lighting equipment in good working order.

(5) There shall be one toilet and one lavatory for every 15 children, excluding diapered children.

(6) For centers constructed after July 1, 1997, there shall be a hand washing sink in play areas.

#### **R430-100-23. Sleep Areas and Equipment.**

(1) A separate crib, cot, bed, or mat shall be provided for each child who will be present in the child care center during nap or rest periods.

(2) Sleeping equipment shall be spaced a minimum of two feet apart to allow for easy access, adequate ventilation and ease of exiting.

(3) Mats and mattresses shall be at least two inches thick and have waterproof, cleanable coverings.

(4) Mats and sleeping equipment shall be cleaned and sanitized as needed, but at least weekly, and prior to use by another child or there shall be a procedure to assign a mat or cot to each child.

(5) Each child shall have a sheet and a blanket, or an acceptable alternative, that are:

- (a) used daily;
- (b) clearly assigned to a child;
- (c) stored separately from other children's when not in use, and
- (d) laundered at least once weekly, and prior to use by another child.

(6) The center shall provide children with an opportunity for rest and sleep in an environment for sleeping that includes

subdued lighting, low noise level, and freedom from distractions.

**R430-100-24. Emergency and Disaster.**

(1) The licensee shall have a written emergency and disaster plan for reporting and evacuating in cases of fire, flood, earthquake, blizzard, power failure or other disasters that could create structural damage or pose a health or safety hazard. The center shall have a written emergency plan that addresses steps to be followed by staff in case of:

- (a) a missing child;
- (b) a medical emergency or injury involving a child or staff person;
- (c) the death of a child or staff person.

(2) The written plans shall be on site and immediately accessible to all staff.

(3) As required by R710-8, Public Safety, Fire Marshal, Day Care Rules the director shall hold simulated disaster drills semi-annually and simulated fire drills shall be held monthly for care givers and children.

(a) The director shall document all drills, including date and time of the drill, the time it took to evacuate, the number of participants, and any problems encountered.

(b) Drills shall be held on a variety of days and at various times of the day.

(4) Each child care center shall maintain a telephone in working order, unless there is a utility failure.

(5) The emergency plan shall contain:

(a) The names of the person in charge and persons with decision-making authority;

(b) The names of persons who shall be notified in an emergency in order of priority;

(c) The names and telephone numbers of emergency medical personnel, fire department, paramedics, ambulance service, police, poison control and other appropriate agencies.

(d) Assignment of personnel to specific tasks during an emergency;

(e) The procedure to transport and evacuate children and staff to other locations; and

(f) Procedures to turn off gas, electricity, and water.

(6) The director shall post evacuation plans in prominent locations in each room or area of the center. The plan shall include evacuation routes, location of fire alarm boxes, and fire extinguishers.

(7) The licensee shall ensure that the center is inspected annually by the local fire authority and shall maintain a copy of the most recent inspection report at the center. Each fire extinguisher shall have a current tag and annual inspection.

(8) There shall be at least one care giver on duty in the center during business hours who has a current department approved course completion or certification in basic child and infant first-aid and Cardiac Pulmonary Resuscitation (CPR).

(9) Each center shall maintain two accessible first aid kits, one kit for the center and one kit to be taken on field trips.

(a) Each first aid kit shall contain supplies as recommended by the American Red Cross First Aid Handbook, current edition, or the department provided list of contents.

(b) Each first aid kit shall contain a first aid manual.

(c) First aid kits shall be restocked after use and shall be stored in an area inaccessible to children.

#### **R430-100-25. Infant Care.**

(1) Infants and toddlers shall be cared for in separate areas and shall not use outdoor play areas at the same time as older children. Infant and toddler areas shall not be used as access to other areas or rooms by children and parents, unless the Department has given variance approval.

(2) Infants may be included in mixed age groups only when eight or fewer children are present in the center. No more than two infants shall be included in the mixed age group unless there are two care givers with the group.

(3) Each infant shall be allowed to follow his or her own pattern of sleeping and eating.

(4) Diapers shall be checked as needed but diaper checks shall not exceed every three hours. The child shall be changed when he is found to be wet or soiled.

(5) The center shall maintain a record of diapering activities, sleeping and feeding times for each infant. The care giver shall record each activity as it occurs. The records shall be maintained on site for the current month and be immediately accessible for Department review.

(6) If an infant is unable to sit upright and hold his own bottle, a care giver shall hold the infant during bottle feeding to prevent choking, baby bottle tooth decay, etc. Bottles shall not be propped.

(7) Each infant shall receive physical stimulation and positive verbal interaction at least every 30 minutes. Awake infants shall not be confined for more than 30 minutes in one piece of equipment, including but not limited to swings, high chairs, or cribs. Infants shall have freedom of movement in a safe area.

(8) Infant walkers with wheels are not permitted.

(9) High chairs will have T-shaped safety straps that are used whenever children are placed in the chair.

(10) High chair trays shall be washed, rinsed, and

sanitized prior to each use. The sanitizer shall meet the standards in R392-100 for food contact surfaces.

(11) Baby food, infant formula, and breast milk for infants that are brought from home for an individual child's use shall be:

- (a) marked with the child's name;
- (b) marked with the date of preparation or opening of the container, such as a jar of baby food;
- (c) kept refrigerated, if needed; and
- (d) discarded within 24 hours of preparation or opening.

(12) Infant formula shall be discarded after feeding or within two hours of initiating a feeding. Powdered formula or dry foods which are opened, but not mixed, is not considered prepared.

(13) Infants shall sleep in equipment designed for them such as a crib, bassinet, porta-crib, or play pen.

(a) Only one infant shall occupy any one piece of equipment at any time.

(b) Infants shall be placed on their backs for sleeping, unless parents document a medical treatment requirement for a clinical condition.

(c) Infants less than 12 months shall not sleep on mats or cots.

(14) There shall be two sinks in each infant and toddler care area. Centers whose infant and toddler areas were constructed and licensed prior to July, 1997, shall be exempt from this rule.

(a) One sink shall be adjacent to the diapering areas and shall be used exclusively for hand washing after diapering and non-food activities.

(b) One sink shall be used exclusively for the preparation of food and bottles.

(15) Infant care areas shall maintain temperature at 70 degrees Fahrenheit at floor level.

(16) All toys used by infants and toddlers shall be washed daily and after being placed in a child's mouth or being contaminated by bodily fluids.

#### **R430-100-26. Penalty.**

The department may impose civil monetary penalties in accordance with Title 63, Chapter 46b, Administrative Procedures Act, if there has been a failure to comply with the provisions of this chapter, or rules promulgated pursuant to this chapter, as follows:

(1) if significant problems exist that are likely to lead to the harm of a child, the department may impose a civil money penalty of \$50 to \$1,000 per day; and

(2) if significant problems exist that result in actual

harm to a child, the department may impose a civil money penalty of \$1,050 to \$5,000 per day.

**KEY: child care facilities**

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